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Permit No.: ST-9147  
Issuance Date: January 9, 2004  
Effective Date: March 1, 2004  
Expiration Date: February 28, 2009

**STATE WASTE DISCHARGE PERMIT NUMBER ST-9147**

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
CENTRAL REGION OFFICE  
YAKIMA, WASHINGTON 98902

In compliance with the provisions of the  
State of Washington Water Pollution Control Law  
Chapter 90.48 Revised Code of Washington, as amended,  
authorizes

TREE TOP, INC.  
PROSSER FACILITY  
PO BOX 248  
SELAH, WA 98942

to discharge wastewater in accordance with the special and general conditions which follow.

|   |   |
|---|---|
| <u>Facility Location:</u><br>2780 Lee Road<br>Prosser, WA 99350 | <u>Discharge Location Outfall #001 (Land Treatment):</u><br>Legal Description: NW¼ of Section 31, Township 9N,<br>Range 25 E. W. M. |
| <u>Industry Type</u><br>Fruit Processing                        | <u>Discharge Location Outfall #002 (City of Prosser POTW):</u><br>Latitude: 46° 13' 06" N<br>Longitude: 119° 44' 33" W              |
| <u>SIC Codes:</u><br>2033 & 2037                                |   |

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G. Thomas Tebb, L.E.G.  
Section Manager  
Water Quality Program  
Central Region Office  
Washington State Department of Ecology

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**SUMMARY OF PERMIT REPORT SUBMITTALS**

Refer to the Special and General Conditions of this permit for additional submittal requirements.

| <b>Permit Section</b> | <b>Submittal</b>                                     | <b>Frequency</b> | <b>First Submittal Date</b>    |
|-----------------------|--|------------------|--------------------------------|
| S2.J.                 | Sampling and Analysis Plan                           | 1/permit cycle   | April 15, 2004                 |
| S3.A.                 | Discharge Monitoring Report                          | Monthly          | April 15, 2004                 |
| S4.A.                 | Operations and Maintenance Manual                    | 1/permit cycle   | February 28, 2008 <sup>a</sup> |
| S5.A.                 | Engineering Report--Scope of Work                    | 1/permit cycle   | April 15, 2004                 |
| S5.B.                 | Engineering Report--Draft Engineering Report         | 1/permit cycle   | July 15, 2006                  |
| S5.C.                 | Engineering Report--Final Engineering Report         | 1/permit cycle   | January 15, 2007               |
| S6.C.                 | Solid Waste Control Plan                             | 1/permit cycle   | April 15, 2004                 |
| S6.D.                 | Solid Waste Control Plan Update                      | As necessary     | As necessary                   |
| S7.                   | Spill and Slug Discharge Prevention and Control Plan | 1/permit cycle   | April 15, 2004                 |
| G7.                   | Application for Permit Renewal                       | 1/permit cycle   | February 28, 2008 <sup>b</sup> |

<sup>a</sup> Submit with the application for permit renewal

<sup>b</sup> At least one (1) year prior to permit expiration

## **SPECIAL CONDITIONS**

### **S1. DISCHARGE LIMITATIONS**

#### **A. Discharge to the Sprayfield**

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on **March 1, 2004** and lasting through **February 28, 2009**, the Permittee is authorized to apply wastewater to land via spray irrigation at rates detailed in the most recent, Department-approved Attachment C of the Operation and Maintenance Manual on the following designated irrigation lands:

Approximately 95 acres located approximately 2 miles northeast of the City of Prosser, east and south of Old Inland Empire Road, west of Bunn Road, in the NW¼ of Section 31, Township 9N, Range 25 E. W. M.

#### **B. Discharge to the City of Prosser POTW**

During the period beginning on **March 1, 2004** and lasting through **February 28, 2009**, the Permittee is authorized to discharge process wastewater to the City of Prosser POTW subject to the limitations in the most current contract between the City and Tree Top that appears in Attachment C of the Department-approved Operation and Maintenance Manual. At the time of issuance the contract, designated by the City as Schedule A and dated January 30, 2002 is in effect. The effluent limitations in that contract constitute the enforceable limits of this permit.

The Department anticipates that Tree Top and the City of Prosser will renegotiate the contract during the course of this permit as more information is generated on the variability of the discharge and the City's treatment capacity. Upon establishment of a new contract, the facility shall submit the contract to the Department for approval. Upon approval, the contract will be incorporated into Appendix C of the O&M Manual, and the limitations established in the new contract will become the enforceable limits of this permit.

## S2. MONITORING REQUIREMENTS

### A. Wastewater Monitoring

#### 1. Lagoon Influent

The sampling point for the influent will be at the Transfer Pump Station.

The Permittee shall monitor the wastewater according to the following schedule:

| Parameter   | Units   | Sampling Frequency      | Sample Type                    |
|---|---------|-------------------------|--------------------------------|
| Flow  | MGD     | Continuous <sup>a</sup> | Meter                          |
| Total Biological Oxygen Demand (BOD)  | mg/L    | 1/month <sup>b</sup>    | 24-hour composite <sup>c</sup> |
| Total BOD   | lbs/day | 1/month                 | Calculation <sup>d</sup>       |
| Soluble BOD   | mg/L    | 1/month                 | 24-hour composite              |
| Soluble BOD   | lbs/day | 1/month                 | Calculation                    |
| Total Suspended Solids (TSS)  | mg/L    | 1/month                 | 24-hour composite              |
| TSS   | lbs/day | 1/month                 | Calculation                    |
| Total Dissolved Solids (TDS)  | mg/L    | 1/month                 | 24-hour composite              |
| TDS   | lbs/day | 1/month                 | Calculation                    |
| Fine Dissolved Solids (FDS)   | mg/L    | 1/month                 | 24-hour composite              |
| FDS   | lbs/day | 1/month                 | Calculation                    |
| Total Kjeldahl Nitrogen (TKN) (as N)  | mg/L    | 1/month                 | 24-hour composite              |
| TKN (as N)  | lbs/day | 1/month                 | Calculation                    |
| Nitrate (NO <sub>3</sub> ) (as N)   | mg/L    | 1/month                 | 24-hour composite              |
| NO <sub>3</sub> (as N)  | lbs/day | 1/month                 | Calculation                    |
| a-Continuous means uninterrupted except for brief lengths of time for calibration, for power failure, or for unanticipated equipment repair or maintenance.                       |         |                         |                                |
| b-"1/month" means once every calendar month. Samples shall not be taken during the same week nor consecutive weeks.   |         |                         |                                |
| c-"24-hour composite" means a series of individual samples collected over a 24-hour period into a single container, and analyzed as one sample.                                   |         |                         |                                |
| d-"Calculation" means figured concurrently with the respective sample, using the following formula: Concentration (in mg/L) X Flow (in MGD) X Conversion Factor (8.34) = lbs/day. |         |                         |                                |

## 2. Lagoon Effluent

The sampling point for the effluent will be at the Irrigation Pump Station, prior to combining with irrigation water.

The Permittee shall monitor the wastewater according to the following schedule:

| Parameter   | Units   | Sampling Frequency      | Sample Type                    |
|---|---------|-------------------------|--------------------------------|
| Flow  | MGD     | Continuous <sup>a</sup> | Metering                       |
| Total BOD   | mg/L    | 1/month <sup>b</sup>    | 24-hour composite <sup>c</sup> |
| Total BOD   | lbs/day | 1/month                 | Calculation <sup>d</sup>       |
| Soluble BOD   | mg/L    | 1/month                 | 24-hour composite              |
| Soluble BOD   | lbs/day | 1/month                 | Calculation                    |
| TSS   | mg/L    | 1/month                 | 24-hour composite              |
| TSS   | lbs/day | 1/month                 | Calculation                    |
| TDS   | mg/L    | 1/month                 | 24-hour composite              |
| TDS   | lbs/day | 1/month                 | Calculation                    |
| FDS   | mg/L    | 1/month                 | 24-hour composite              |
| FDS   | lbs/day | 1/month                 | Calculation                    |
| TKN (as N)  | mg/L    | 1/month                 | 24-hour composite              |
| TKN (as N)  | lbs/day | 1/month                 | Calculation                    |
| NO <sub>3</sub> (as N)  | mg/L    | 1/month                 | 24-hour composite              |
| NO <sub>3</sub> (as N)  | lbs/day | 1/month                 | Calculation                    |
| a-Continuous means uninterrupted except for brief lengths of time for calibration, for power failure, or for unanticipated equipment repair or maintenance.                       |         |                         |                                |
| b-"1/month" means once every calendar month. Samples shall not be taken during the same week nor consecutive weeks.   |         |                         |                                |
| c-"24-hour composite" means a series of individual samples collected over a 24-hour period into a single container, and analyzed as one sample.                                   |         |                         |                                |
| d-"Calculation" means figured concurrently with the respective sample, using the following formula: Concentration (in mg/L) X Flow (in MGD) X Conversion Factor (8.34) = lbs/day. |         |                         |                                |

**B. Ground Water Monitoring**

Ground water monitoring shall be conducted in accordance with the schedule specified in parts B1 and B2 of this section.

**1. Routine Ground Water Monitoring**

| Parameter   | Units            | Sample Location  | Sampling Frequency     | Sample Type       |
|---|------------------|------------------|------------------------|-------------------|
| Static Water Level  | feet             | MW-1-4, 6, 7, 10 | 1/month <sup>a</sup>   | Grab <sup>c</sup> |
|   |                  | DMW-1, 2         | 1/quarter <sup>b</sup> |                   |
| Conductivity  | µmhos/cm         | MW-1-4, 6, 7, 10 | 1/month                | Grab              |
|   |                  | DMW-1, 2         | 1/quarter              |                   |
| pH  | SU's             | MW-1-4, 6, 7, 10 | 1/month                | Grab              |
|   |                  | DMW-1, 2         | 1/quarter              |                   |
| Temperature   | °C               | MW-1-4, 6, 7, 10 | 1/month                | Grab              |
|   |                  | DMW-1, 2         | 1/quarter              |                   |
| FDS   | mg/L             | MW-1-4, 6, 7, 10 | 1/month                | Grab              |
|   |                  | DMW-1, 2         | 1/quarter              |                   |
| Nitrate-Nitrogen  | mg/L             | MW-1-4, 6, 7, 10 | 1/month                | Grab              |
|   |                  | DMW-1, 2         | 1/quarter              |                   |
| Fecal Coliform Bacteria   | #colonies/100 mL | MW-1-4, 6, 7, 10 | 1/month                | Grab              |
|   |                  | DMW-1, 2         | 1/quarter              |                   |
| TDS   | mg/L             | MW-1-4, 6, 7, 10 | 1/month                | Grab              |
|   |                  | DMW-1, 2         | 1/quarter              |                   |
| a-"1/month" means once every calendar month. Samples shall not be taken during the same week nor consecutive weeks. |                  |                  |                        |                   |
| b-"1/quarter" means once every calendar quarter. Samples shall not be taken during consecutive months.              |                  |                  |                        |                   |
| c-"Grab" means an individual sample collected over a fifteen (15) minute, or less, period.                          |                  |                  |                        |                   |

**2. Non-Routine Monitoring**

Any ground water monitoring, in addition to that required in B1. of this subsection, shall be conducted in accordance with the most recent, Department-approved Attachment B of the O&M Manual.

**C. Soil Monitoring**

Soil monitoring shall be conducted in accordance with the most recent, Department-approved Attachment B of the O&M Manual.



**D. Crop Monitoring**

Crop monitoring shall be conducted in accordance with the most recent, Department-approved Attachment B of the O&M Manual.

**E. Springs and Wetlands Monitoring**

Monitoring of springs and wetlands shall be conducted in accordance with the most recent, Department-approved Attachment B of the O&M Manual.

**F. Monitoring of Discharge to the City of Prosser POTW**

The monitoring point for process wastewater discharges to the City shall be at the Tree Top's Transfer Pump Station.

| Parameter | Units   |
|-----------|---------|
| Flow      | MGD     |
| BOD       | mg/L    |
| BOD       | lbs/day |
| TSS       | mg/L    |
| TSS       | lbs/day |
| pH        | SU's    |

In accordance with Special Condition S3.D of this permit, the Permittee shall report all monitoring results of this discharge in its monthly DMRs.

**G. Sampling and Analytical Procedures**

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Ground water sampling shall conform to the latest protocols in the *Implementation Guidance for the Ground Water Quality Standards*, (Ecology 1996).

Sampling and analytical methods used to meet the water and wastewater monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard*

*Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

All soil analysis and reporting will be in accordance with *Laboratory Procedures*, Soil Testing Laboratory, Washington State University, November 1981.

**H. Flow Measurement**

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations. Calibration records shall be maintained for at least three (3) years.

**I. Laboratory Accreditation**

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, turbidity, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. Crops, soils, and hazardous waste testing has not been included in the accreditation program. Crops, soils, and hazardous waste data shall be provided by a lab accredited for similar parameters in water media.

**J. Sampling and Analysis Plan**

The Permittee shall submit to the Department, for review and approval, a Sampling and Analysis Plan (SAP) to address all wastewater, ground water, soil, crop, and surface water monitoring required in this permit. The SAP shall be developed in substantial accordance with *Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies*, Ecology Publ. No. 01-03-003 and the appropriate sections of *Implementation Guidance for the Ground Water Quality Standards*, Ecology Publ. No. 96-02. The plan shall be received no later than **April 15, 2004**.

### **S3. REPORTING AND RECORDKEEPING REQUIREMENTS**

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

#### **A. Reporting**

The first monitoring period begins on **March 1, 2004**. Monitoring results shall be submitted monthly. Monitoring data obtained during the previous month shall be summarized and reported on a form provided, or otherwise approved, by the Department, and be received no later than the 15th day of the month following the completed reporting period, unless otherwise specified in this permit. The report(s) shall be sent to:

Permit Data System Manager  
Department of Ecology  
Central Region Office  
15 West Yakima Avenue, Suite 200  
Yakima, WA 98902

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge or the facility was not operating during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

#### **B. Records Retention**

The Permittee shall retain records of all monitoring information for a minimum of three (3) years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

#### **C. Recording of Results**

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

**D. Additional Monitoring by the Permittee**

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Special Condition S2. of this permit, then the results of this monitoring shall be included in calculation and reporting of the data submitted in the Permittee's self-monitoring reports.

**E. Noncompliance Notification**

In the event the Permittee is unable to comply with any of the permit terms and conditions due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, and correct the problem;
2. Repeat sampling and analysis of any violation and submit the results to the Department within thirty (30) days after becoming aware of the violation;
3. Immediately notify the Department of the failure to comply; and
4. Submit a detailed written report to the Department within thirty (30) days, unless requested earlier by the Department, describing the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

**S4. OPERATION AND MAINTENANCE**

The Permittee shall at all times be responsible for the proper operation and maintenance of any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit.

**A. Operations and Maintenance Manual**

A revised Operations and Maintenance (O&M) Manual shall be prepared by the Permittee in accordance with WAC 173-240-150 and be submitted to the

Department for approval by **February 28, 2008** (with the next application for permit renewal).

The O&M Manual shall be reviewed by the Permittee at least annually. All manual changes or updates shall be submitted to the Department for review and approval whenever they are incorporated into the manual. The approved operation and maintenance manual shall be kept available at the permitted facility.

The operation and maintenance manual shall contain the treatment plant process control monitoring schedule. All operators shall follow the instructions and procedures of this manual.

In addition to the requirements of WAC 173-240-150(1) and (2), the manual shall include:

1. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure;
2. Irrigation system operational controls and procedures;
3. Plant maintenance procedures;
4. Protocols and procedures for water quality monitoring network sampling and testing (QAPP);
5. Treatment Plant Process Control Monitoring Appendices:
  - a) Attachment A shall include the specifics of land application processes and procedures, including Land Application Best Management Practices in part D of this permit condition, and any additional procedures deemed appropriate.
  - b) Attachment B shall include the schedule of chemical monitoring of constituents in wastewater, ground water and surface water.
  - c) Attachment C shall include the schedule of monthly constituent or pollutant loadings to both the land treatment system and the City of Prosser's POTW.

## **B. Bypass Procedures**

The Permittee shall immediately notify the Department of any spill, overflow, or bypass from any portion of the treatment system.

The bypass of wastes from any portion of the treatment system is prohibited unless one of the following conditions (1, 2, or 3) applies:

1. *Unavoidable Bypass* -- Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

If the resulting bypass from any portion of the treatment system results in noncompliance with this permit the Permittee shall notify the Department in accordance with Special Condition S3.E "Noncompliance Notification."

2. *Anticipated Bypass That Has The Potential to Violate Permit Limits or Conditions* -- Bypass is authorized by an administrative order issued by the Department. The Permittee shall notify the Department at least thirty (30) days before the planned date of bypass. The notice shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Department will consider the following prior to issuing an administrative order:
  - a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of the permit.
  - b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
  - c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.

3. *Bypass For Essential Maintenance Without the Potential to Cause Violation of Permit Limits or Conditions* -- Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of the permit, or adversely impact public health as determined by the Department prior to the bypass.

**C. Irrigation Land Application Best Management Practices (BMPs)**

1. There shall be no runoff of wastewater applied to land by spray irrigation to any surface waters of the state or to any land not owned by or under control of the Permittee.
2. The Permittee shall use recognized good practices, and all available and reasonable procedures to control odors from the land application system. When notified by the Department, the Permittee shall implement measures to reduce odors to a reasonable minimum.
3. The wastewater shall not be applied to the irrigation lands in quantities that:
  - a. Significantly reduce or destroy the long-term infiltration rate of the soil.
  - b. Would cause long-term anaerobic conditions in the soil.
  - c. Would cause ponding of wastewater and produce objectionable odors or support insects or vectors.
  - d. Would cause leaching losses of constituents of concern beyond the treatment zone or in excess of the approved design. Constituents of concern are constituents in the wastewater, partial decomposition products, or soil constituents that would alter ground water quality in amounts that would affect current and future beneficial uses.
4. The Permittee shall maintain all irrigation agreements for lands not owned for the duration of the permit cycle. Any reduction in irrigation lands by termination of any irrigation agreements may result in permit modification or revocation. The Permittee shall immediately inform the Department in writing of any proposed changes to existing agreements.

**S5. ENGINEERING REPORT**

The Permittee shall submit to the Department an Engineering Report that proposes a schedule and corrective actions to achieve compliance with the State's Ground Water Quality Standards beneath the Permittee's land treatment system. In addition to the requirements contained in WAC 173-240-130, the Engineering Report shall incorporate pollution prevention measures, as appropriate.

**A. Scope of Work**

By **April 15, 2004**, the Permittee shall submit to the Department, for review and approval, a Scope of Work for the upcoming Engineering Report.

**B. Draft Engineering Report**

By **July 15, 2006**, the Permittee shall submit to the Department, for review and approval, a draft Engineering Report.

**C. Final Engineering Report**

By **January 15, 2007**, the Permittee shall submit to the Department, for review and approval, a final Engineering Report.

The report shall contain any appropriate requirements as described in "Guidelines for Preparation of Engineering Reports for Industrial Wastewater Land Application Systems" (Washington State Department of Ecology, 1993).

**S6. SOLID WASTE MANAGEMENT**

**A. Solid Waste Handling**

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into State ground or surface water.

**B. Leachate**

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or



permit modification as may be required for such discharges to state ground or surface waters.

**C. Solid Waste Management Plan**

By **April 15, 2004**, the Permittee shall submit a Solid Waste Management Plan to the Department. This plan shall include all solid wastes with the exception of those solid wastes regulated by Chapter 173-303 WAC (Dangerous Waste Regulations). The plan shall include at a minimum a description, source, generation rate, and disposal methods of these solid wastes. This plan shall not be at variance with any approved local solid waste management plan. Any proposed revision or modification of the solid waste handling plan must be submitted to the Department. The Permittee shall comply with the plan and any modifications thereof.

**D. Revision of Solid Waste Management Plan**

The Permittee shall submit all proposed revisions or modifications to the solid waste control plan to the Department. The Permittee shall comply with any plan modifications. The Permittee shall submit an update of the solid waste control plan with the application for permit renewal one (1) year prior to the expiration date of the permit.

**S7. SPILL AND SLUG DISCHARGE PREVENTION AND CONTROL PLAN**

By **April 15, 2004**, the Permittee shall submit to the Department a Spill and Slug Discharge Prevention and Control Plan for the prevention, containment, and control of spills or unplanned releases. The Permittee shall review and update the plan as needed. Changes to the plan shall be sent to the Department. The plan and any supplements shall be followed throughout the term of the permit.

The Spill and Slug Discharge Prevention and Control Plan shall include the following:

1. A description of a reporting system to be used to immediately notify facility management, the POTW operator, and appropriate State, Federal, and local authorities of any spills or slug discharges, and provisions to provide a written follow-up report within five days;
2. A description of operator training, equipment, and facilities (including overall facility plan) for preventing, containing, or treating spills or slug discharges;

3. A list of all raw materials, products, chemicals, and hazardous materials used, processed, or stored at the facility; the normal quantity maintained on the premises for each listed material; and a map showing where they are located.
4. A description of discharge practices for batch and continuous processes under normal and non-routine circumstances;
5. A brief description of any unauthorized discharges which occurred during the 36-month period preceding the effective date of this permit and subsequent measures taken by Permittee to prevent or to reduce the possibility of further unauthorized discharges; and
6. An implementation schedule including additional operator training and procurement and installation of equipment or facilities required to properly implement the plan.

Plans and manuals required by 40 CFR Part 112, contingency plans required by chapter 173-303 WAC, or other plans required by other agencies which meet the intent of this section may be submitted.

The current approved plan shall be maintained on the plant site and be readily available to facility personnel. The Permittee shall submit an update of the Spill and Slug Discharge Prevention and Control Plan, or a certification that it is current with the application for permit renewal.

## **GENERAL CONDITIONS**

### **G1. SIGNATORY REQUIREMENTS**

All applications, reports, or information submitted to the Department shall be signed as follows:

- A. All permit applications shall be signed by either a principal executive officer or ranking elected official.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - 1. The authorization is made in writing by the person described above and is submitted to the Department at the time of authorization, and
  - 2. The authorization specifies either a named individual or any individual occupying a named position.
- C. Changes to authorization. If an authorization under paragraph B.2. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

### **G2. RIGHT OF ENTRY**

Representatives of the Department shall have the right to enter at all reasonable times in or upon any property, public or for the purpose of inspecting and investigating conditions relating to the pollution or the possible pollution of any waters of the state. Reasonable

times shall include normal business hours; hours during which production, treatment, or discharge occurs; or times when the Department suspects a violation requiring immediate inspection. Representatives of the Department shall be allowed to have access to, and copy at reasonable cost, any records required to be kept under terms and conditions of the permit; to inspect any monitoring equipment or method required in the permit; and to sample the discharge, waste treatment processes, or internal waste streams.

### **G3. PERMIT ACTIONS**

This permit shall be subject to modification, suspension, or termination, in whole or in part by the Department for any of the following causes:

- A. Violation of any permit term or condition;
- B. Obtaining a permit by misrepresentation or failure to disclose all relevant facts;
- C. A material change in quantity or type of waste disposal;
- D. A material change in the condition of the waters of the state; or
- E. Nonpayment of fees assessed pursuant to RCW 90.48.465.

The Department may also modify this permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, including promulgation or revisions of regulations or new information.

### **G4. REPORTING A CAUSE FOR MODIFICATION**

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports, whenever a new or increased discharge or change in the nature of the discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least sixty (60) days prior to any proposed changes. Submission of this application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

### **G5. PLAN REVIEW REQUIRED**

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications should be submitted at least one hundred eighty (180) days prior to the planned start of

construction. Facilities shall be constructed and operated in accordance with the approved plans.

**G6. COMPLIANCE WITH OTHER LAWS AND STATUTES**

Nothing in the permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

**G7. DUTY TO REAPPLY**

The Permittee must apply for permit renewal at least one (1) year prior to the specified expiration date of this permit.

**G8. PERMIT TRANSFER**

This permit is automatically transferred to a new owner or operator if:

- A. A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to the Department;
- B. A copy of the permit is provided to the new owner and;
- C. The Department does not notify the Permittee of the need to modify the permit.

Unless this permit is automatically transferred according to section A. above, this permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by the Department.

**G9. PAYMENT OF FEES**

The Permittee shall submit payment of fees associated with this permit as assessed by the Department. The Department may revoke this permit if the permit fees established under Chapter 173-224 WAC are not paid.

**G10. PENALTIES FOR VIOLATING PERMIT CONDITIONS**

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

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**Permit No.: ST-9147**

**Expiration Date: February 28, 2009**

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation.